

(PCT Article 36 and Rule 70)

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/053266

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1, 3-10 as originally filed/furnished
- pages* 2 received by this Authority on 04.10.2005 with fax
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-11 received by this Authority on 04.10.2005 with fax
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/1 as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application

☒ claims Nos. 1-8

because:

☐ the said international application, or the said claims Nos. _____
relate to the following subject matter which does not require an international preliminary examination (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. _____
are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. _____ are so inadequately supported
by the description that no meaningful opinion could be formed.

☒ no international search report has been established for said claims Nos. 1-8

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

☐ has not been furnished

☐ does not comply with the standard

the computer readable form

☐ has not been furnished

☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

☒ See Supplemental Box for further details.

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Statement		
	Novelty (N)	Claims <u>9, 10</u>	YES
		Claims <u>11</u>	NO
	Inventive step (IS)	Claims <u>9, 10</u>	YES
		Claims <u>11</u>	NO
	Industrial applicability (IA)	Claims <u>9, 11</u>	YES
		Claims _____	NO
2.	Citations and explanations (Rule 70.7)		
1.	Reference is made to the following document:		
	D1: EP 1 004 432 A (ARMSTRONG WORLD IND INC) 31 May 2000 (2000-05-31)		
2.	INDEPENDENT CLAIM 9		
2.1	D1, which is considered to be the most relevant prior art, describes (the references between parentheses apply to said document) a lining facility (see figure 2) that includes:		
	<ul style="list-style-type: none"> - a device for supplying a substrate (14); - a station (15) for preheating the substrate (14); - a device for feeding a wear layer (11); - a device for bringing the substrate (14) and the wear layer (11) into contact; - a heating device (13); - a conveyor device for conveying the substrate and the wear layer through said heating device. 		
2.2	Essentially, the subject matter of claim 9 differs from this known facility in that the heating device is a furnace including one or more blowing nozzles for a gas used to apply a pressure to the substrate-wear		

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>layer assembly while it is conveyed through the furnace.</p> <p>The subject matter of claim 9 is therefore novel (PCT Article 33(2)).</p> <p>2.3 The problem that the present invention is intended to solve can be considered to be that of preventing blemishes resulting from localised adhesion of the wear layer to the laminating rolls (see description, page 2, lines 10 to 14 and page 3, lines 10 to 13).</p> <p>2.4 The solution to this problem, as proposed in claim 9 of the present application, is considered to involve an inventive step (PCT Article 33(3)) since none of the available prior art documents prompts a person skilled in the art to use blowing nozzles to apply a pressure to the substrate-wear layer assembly.</p> <p>3. INDEPENDENT CLAIM 10</p> <p>The subject matter of claim 10 differs implicitly from the method known from D1 by virtue of the step consisting of applying a pressure to the substrate-wear layer assembly by means of the gas blowing nozzle(s) so as to fuse the wear layer and the substrate.</p> <p>The subject matter of claim 10 is therefore novel (PCT Article 33(2)). Moreover, it involves an inventive step (PCT Article 33(3)) for the same reasons as set forth in paragraph 2 above.</p>

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

4. INDEPENDENT CLAIM 11

D1 discloses (see figure 2) a two-layered structure (17) used for making floor or wall coverings (see paragraph [0020]), which consists of a supporting layer (7) onto which a wear layer (11) is fused. Said structure does not differ from the product obtained using the method according to claim 10.

Consequently, the subject matter of claim 11 fails to meet the requirement of novelty defined by PCT Article 33(2).

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box III

The feature "applying the wear layer cold onto the preheated substrate" added to amended claim 1 filed by facsimile 04/10/2005, was not in the initial set of claims.

Furthermore, this feature is not so linked to the originally claimed invention as to form a single general inventive concept.

Consequently, the subject matter of claim 1 and sub-claims 2 to 8, which are dependent thereon, has not been searched and therefore cannot be examined.